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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,371	07/03/2003	Kazunari Motohashi	075834.00409	4837
33448	7590	12/19/2007	EXAMINER	
ROBERT J. DEPKE			BERNATZ, KEVIN M	
LEWIS T. STEADMAN				
ROCKEY, DEPKE & LYONS, LLC			ART UNIT	
SUITE 5450 SEARS TOWER			PAPER NUMBER	
CHICAGO, IL 60606-6306			1794	
			MAIL DATE	
			DELIVERY MODE	
			12/19/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/613,371

Examiner

Kevin M. Bernatz

Applicant(s)

MOTOHASHI, KAZUNARI

Art Unit

1794

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 13 December 2007 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

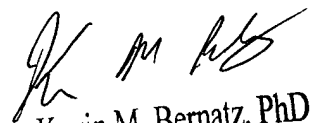
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: claim 2 is cancelled. Claims 1 and 3 are pending. The Appeal brief and Examiner's answer are now consistent with the pending claims under appeal.


Kevin M. Bernatz, PhD
Primary Examiner

The opinion in support of the decision being entered today
is *not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAZUNARI MOTOHASHI

Appeal 2007-1681
Application 10/613,371
Technology Center 1700

Decided: August 31, 2007

Before CHARLES F. WARREN, PETER F. KRATZ, and
CATHERINE Q. TIMM, *Administrative Patent Judges*.

WARREN, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

Applicants appeal to the Board from the decision of the Primary Examiner finally rejecting claims 1 through 3 in the Office Action mailed May 26, 2006 (Office Action). 35 U.S.C. §§ 6 and 134(a) (2002); 37 C.F.R. § 41.31(a) (2006).

We remand the application to the Examiner for consideration and explanation of issues raised by the record. 37 C.F.R. §41.50(a)(1) (2007);

Corrected
- PWB
12/17/07